



BOULT ■ CUMMINGS  
CONNERS ■ BERRY PLC

REC'D TN  
REGULATORY AUTH.

Henry Walker  
(615) 252-2363  
Fax: (615) 252-6363  
Email: hwalker@boultcummings.com

\*02 FEB 11 PM 3 05

February 11, 2002 OFFICE OF THE  
EXECUTIVE SECRETARY

David Waddell, Esq.  
Executive Secretary  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

Re: *Complaint of Access Integrated Network, Inc. Against BellSouth  
Telecommunications, Inc.*  
Docket No. 01-00868

Dear David:

I am enclosing a copy of the depositions of Robin Porter, Kathleen Finn, Richard Tice and Don Livingston taken on behalf of ITC^DeltaCom in the above-captioned proceeding. Also enclosed in a separate envelope is the deposition of Michael Sisk which contains **proprietary** information. Please place these in the official file. Thank you for your assistance in this matter.

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:

  
Henry Walker

HW/nl

c: Guy Hicks, Esq.  
Parties

BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE TENNESSEE

REGULATORY AUTH.

\*02 FEB 11 PM 3 07

OFFICE OF THE  
EXECUTIVE SECRETARY

IN RE: COMPLAINT OF XO TENNESSEE, INC.  
AGAINST BELLSOUTH TELECOMMUNICATIONS,  
INC.

DOCKET NO. 01-00868

COMPLAINT OF ACCESS INEGRATED  
NETWORKS, INC. AGAINST BELLSOUTH  
TELECOMMUNICATIONS, INC.

Deposition of:

ROBIN L. PORTER

Taken on behalf of ITC^DELTACOM

January 14, 2002

VOWELL & JENNINGS, INC.  
Court Reporting Services  
328 Washington Square Building  
222 Second Avenue North  
Nashville, Tennessee 37201  
(615) 256-1935

1   **APPEARANCES:**  
2   FOR ITC^DELTACOM:  
3         HENRY WALKER  
4         Attorney at Law  
5         Nashville, Tennessee  
6         and  
7         NANETTE EDWARDS  
8         Attorney at Law  
9         Huntsville, Alabama  
10   FOR BELLSOUTH TELECOMMUNICATIONS, INC.:  
11         PATRICK TURNER (BY PHONE)  
12         Attorney at Law  
13         Atlanta, Georgia  
14         and  
15         GUY M. HICKS  
16         Attorney at Law  
17         Nashville, Tennessee  
18   FOR THE OFFICE OF THE STATE ATTORNEY GENERAL:  
19         CHRIS ALLEN  
20         Attorney at Law  
21         Nashville, Tennessee  
22   Also Present:  
23         PAUL T. STINSON  
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I N D E X

WITNESS: ROBIN L. PORTER

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1                   The deposition of ROBIN L. PORTER,  
2 taken on behalf of ITC^DELTACOM, on the 14TH day  
3 of January, 2002, in the offices of Boult,  
4 Cummings, Conners & Berry, Suite 1500, 414 Union  
5 Street, Nashville, Tennessee, for all purposes  
6 under the Tennessee Rules of Civil Procedure.

7                   The formalities as to notice,  
8 caption, certificate, et cetera, are waived. All  
9 objections, except as to the form of the  
10 questions, are reserved to the hearing.

11                   It is agreed that James L. Vowell,  
12 being a Notary Public and Court Reporter for the  
13 State of Tennessee, may swear the witness, and  
14 that the reading and signing of the completed  
15 deposition by the witness are waived

16  
17                   \* \* \*

18  
19                   ROBIN L. PORTER  
20 was called as a witness, and after having been  
21 first duly sworn, testified follows:  
22  
23  
24  
25

1                                    E X A M I N A T I O N

2    BY MR. WALKER:

3    Q.            State your name, please, and what you  
4    do for a living.

5    A.            It's Robin L. Porter, and I'm a senior  
6    account executive with BellSouth.

7    Q.            Where are you based?

8    A.            Nashville.

9    Q.            How long have you worked for BellSouth?

10   A.            Three and a half years.

11   Q.            How long have you been a senior account  
12   executive?

13   A.            Two years.

14   Q.            What did you do before that?

15   A.            I was an account executive for a year,  
16   year and a half.

17   Q.            Now, are you employed by BellSouth  
18   Telecommunications?

19   A.            Yes.

20   Q.            Have you always been employed by  
21   BellSouth Telecommunications as opposed to some  
22   other corporate affiliate or something?

23   A.            Yes.

24   Q.            What are your duties as a senior  
25   account executive?

1 A. I'm assigned accounts and I work with  
2 those accounts, providing customer service,  
3 consulting with them on what services they  
4 have, what needs they have for voice data and  
5 Internet.

6 Q. Now, are these customers in what area,  
7 Tennessee or midsouth -- what part of the  
8 country?

9 A. It's changed throughout my employment.  
10 Last year I handled accounts based in Memphis.

11 Q. Where are you physically located?

12 A. Nashville.

13 Q. And have you always been located here  
14 in Nashville?

15 A. Yes.

16 Q. So when you have these accounts, do you  
17 go out there and visit them or do you deal with  
18 them mostly over the phone?

19 A. Mostly over the phone.

20 Q. Currently are you still covering the  
21 Memphis area?

22 A. No.

23 Q. What's your current area?

24 A. Nashville.

25 MR. TURNER: Henry, I just wanted

1 to let you know Bert Hogeman, one of the  
2 attorneys with BellSouth has walked into the  
3 room. I assume there are is no objection.

4 MR. WALKER: No problem. Could  
5 you spell Mr. Hogeman's last name.

6 MR. TURNER: H-O-G-E-M-A-N.

7 That's B-E-R-T.

8 BY MR. WALKER:

9 Q. Okay. Robin, tell us what you know  
10 about the BellSouth Select program.

11 A. It's a program that -- for customers,  
12 they need to have both regulated and  
13 nonregulated products. It functions similarly  
14 to a Frequent Flier program in that you get a  
15 point for every dollar you spend and then you  
16 can redeem that back for either credit to your  
17 bill, or there are certain -- you could redeem  
18 it for a fax machine or some certain list of  
19 products.

20 Q. Now, how long -- you said you had been  
21 with BellSouth three and a half years. To your  
22 knowledge, how long has the BellSouth Select  
23 program been going on? Was it going on when  
24 you joined the company, or do you know?

25 A. I don't remember.



1 Q. How long have you been involved in  
2 selling the BellSouth Select program?

3 A. I remember offering it for approx-  
4 imately the past two years.

5 Q. Past two years? So that would have  
6 included your accounts in Memphis when you were  
7 working down there?

8 A. Yes.

9 Q. Okay. How did you decide which  
10 customers to offer the BellSouth Select  
11 program? Did you offer them to all your  
12 accounts or just some of them?

13 A. I offered it to all the accounts.

14 Q. How many accounts would you have had,  
15 say, when you were covering Memphis?

16 MR. TURNER: Henry, I'm sorry,  
17 this is partly an objection, partly a  
18 suggestion, but when you say the Select program  
19 there is variations of it, and then there is  
20 also the combination offer that was the subject  
21 of your original complaint, and I would like to  
22 try to clarify which -- either version of  
23 Select or whatever you're asking her about  
24 simply because the time frames could be  
25 different.

1 MR. WALKER: Okay.

2 BY MR. WALKER:

3 Q. When I say BellSouth Select program,  
4 what I mean is any program that's offered by  
5 BellSouth Select. It could be the Gold  
6 program, the Platinum program, the Silver  
7 program, it could be offered in combination  
8 with other programs or stand alone. So unless  
9 I specific, I'm talking about any BellSouth  
10 Select program.

11 A. Okay.

12 Q. So you said you offered BellSouth  
13 Select to all your accounts in Memphis?

14 A. Yes.

15 Q. Was that -- was that what you were told  
16 to do, to offer it to all your customers? Was  
17 that part of the standard sales pitch, I guess  
18 is what I'm getting at?

19 A. Everyone that's eligible we offer it  
20 to.

21 Q. What do you have to do to be eligible  
22 for BellSouth Select?

23 A. I believe there is a minimum billing  
24 requirement, approximately \$150.

25 Q. A month?

1 A. Yes. And you need to have both  
2 regulated and nonregulated revenue.  
3 Q. What would be an example of  
4 nonregulated revenue that I could use to  
5 qualify for BellSouth Select?  
6 A. BAPCO.  
7 Q. Yellow Pages?  
8 A. Yes. Internet products.  
9 Q. What about DSL, would that count?  
10 A. Yes.  
11 MR. TURNER: I'm going to object  
12 to the form of "DSL" as being vague.  
13 BY MR. WALKER:  
14 Q. Do you know what DSL means? When I  
15 refer to DSL service do you know what I'm  
16 talking about?  
17 A. I assumed you were referring to our  
18 Fast Access DSL product.  
19 Q. You're exactly right. And when I  
20 referred to DSL, that's what I meant.  
21 MR. TURNER: Thank you, Henry.  
22 BY MR. WALKER:  
23 Q. So are residential customers eligible  
24 for BellSouth Select if they had \$150 a month?  
25 A. I'm not sure. I don't sell to any

1 residential accounts.

2 Q. Do you know, have you heard of any  
3 residential accounts being part of BellSouth  
4 Select?

5 A. No.

6 Q. Were your accounts all medium-sized  
7 businesses or did you have some larger  
8 customers?

9 A. They were typically medium-sized  
10 businesses, although at times national  
11 companies with small locations such as Crabtree  
12 Evelyn, might have one or two locations that  
13 only have one or two lines that might be  
14 assigned in our geography.

15 Q. Did you go through some -- who was your  
16 supervisor when you were making these offers  
17 say in the Memphis area?

18 MR. TURNER: I'm going to object  
19 to the form in the sense of the time, Henry.

20 MR. WALKER: I don't understand.

21 MR. TURNER: Well, again, it's the  
22 same thing, are you talking when she started  
23 two years ago or six months ago?

24 BY MR. WALKER:

25 Q. I'm sorry. When she was responsible

1 for accounts in the Memphis area which she said  
2 was last year, I believe. That was the time  
3 frame I was -- let me start it from the  
4 beginning.

5 Approximately when were you handling  
6 accounts for the Memphis area, what time  
7 frames?

8 A. The year 2001.

9 Q. The year 2001. Who was your supervisor  
10 at that time?

11 A. Dana Norman.

12 Q. Was Dana stationed in Nashville also?

13 A. Yes.

14 Q. Did you offer BellSouth -- was  
15 BellSouth Select aimed primarily at medium and  
16 small businesses or would you also have offered  
17 it to large-business customers?

18 A. I'm not aware of a maximum billing  
19 level on that product. I only handle small and  
20 medium so that's what I targeted it to.

21 Q. Now, earlier I showed you a piece of  
22 paper which is a copy of an e-mail that was  
23 attached to the complaint filed by XO in this  
24 case. The name of the customer has been  
25 deleted, and this is a public record on file

1 down at the TRA.

2 Do you recognize that e-mail?

3 A. Yes.

4 Q. What is it?

5 A. It's an e-mail that I sent the customer  
6 regarding a discount offer.

7 Q. Describe the discount offer, please.

8 A. Well, there were two components. First  
9 of all there was the Key Customer program and  
10 second of all there was the Select Program.  
11 And through Select we offered three months free  
12 service.

13 Q. Which three months?

14 A. I believe -- well, I believe it was the  
15 first, the sixth -- I'm not actually sure, but  
16 it was spaced out.

17 Q. Does it indicate on there was the  
18 first, sixth and 12th or does it just say three  
19 months?

20 A. It says three months.

21 Q. How does that work, Robin, explain how  
22 the purchase of or joining up with the Key  
23 Customer program got you three months service.

24 A. Actually joining the Key Customer  
25 program wouldn't get you three months free

1 service. The Key Customer program offered a  
2 monthly discount to your bills. And to receive  
3 that discount, you signed an agreement to stay  
4 with BellSouth for either 18 or 36 months. The  
5 three months free was actually through the  
6 Select discount program. When a customer came  
7 back to BellSouth and signed the Key Customer  
8 program and the Select Program, they would get  
9 three months free service.

10 Q. Now, was the three months -- did you  
11 have to sign up for the full 36 months to get  
12 the three months free? Suppose I only signed  
13 up for the 18 months, would I still get three  
14 free months?

15 A. No.

16 Q. So I had to sign up for the full 36?

17 A. Yes.

18 Q. Suppose I only signed up for 18 months  
19 under the Key Customer program, would I still  
20 get some free months, maybe one or two?

21 A. I don't remember.

22 Q. Are you offering this program anymore?

23 A. No. Do you mean the three months free  
24 program?

25 Q. Yes.

1           Are you personally involved in offering  
2 the BellSouth Select program today?

3           MR. TURNER: I'm going to object  
4 to the form.

5           She asked you about the three  
6 months free program. You came back with  
7 BellSouth Select which you have described as  
8 much more broadly. I'd appreciate it if you  
9 could make sure that you and the witness are  
10 both talking about the same thing when you're  
11 asking and she's answering this question.

12           MR. WALKER: I think we do. I'll  
13 back into it.

14 BY MR. WALKER:

15 Q.       Are you today still -- you said you're  
16 still handling accounts for BellSouth.

17       Is the Select Program in any form still  
18 part of your sales responsibilities?

19 A.       I can offer Select. I cannot offer  
20 three months free service.

21 Q.       Okay. Why not?

22 A.       Well, my understanding was they put the  
23 program on hold, I believe, so that they could  
24 make sure that it met with the agreement of the  
25 regulatory authority.



1 Q. Robin, how did you find out about that?  
2 Was there a memo sent around, did you have a  
3 meeting, somebody tell you that the program had  
4 been put on hold?

5 MR. TURNER: I'm going to object  
6 and instruct the witness to the extent that you  
7 can answer the question without referencing  
8 anything that may have been told to you by an  
9 attorney or during meetings which the attorney  
10 was giving advice, please do so. But to the  
11 extent that to answer the questions will  
12 require you to discuss attorney/client  
13 communications, I'm going to object and  
14 instruct the witness not to answer.

15 THE WITNESS: I was told to no  
16 longer offer the program.

17 BY MR. WALKER:

18 Q. Was it an attorney who told you that?

19 A. No.

20 Q. Who told you that?

21 A. Our competitive specialist Scott Davis.

22 Q. Does Scott work here in Nashville?

23 A. Yes.

24 Q. And what's his title again?

25 A. Competitive specialist.

1 Q. Do you remember approximately when he  
2 told you that?  
3 A. April.  
4 Q. Do you know how long approximately,  
5 Robin, you had been offering the three months  
6 free service, since when? Do you know when  
7 that program started?  
8 A. It was available for a week or two, I  
9 believe, in April.  
10 Q. In April of last year?  
11 A. Yes.  
12 Q. During that week or two, can you  
13 estimate how many of your accounts or how many  
14 people you would have made that offer to?  
15 A. About 20. Fifteen to twenty.  
16 Q. What would your take rate have been,  
17 got any idea?  
18 A. Zero.  
19 Q. So no one that you made the offer to  
20 accepted it?  
21 A. Yes, no one accepted it.  
22 Q. When Scott Davis told you to no  
23 longer -- you could no longer do it, did he  
24 give you anything in writing or was this just a  
25 verbal communication?

1 A. I don't remember.

2 Q. Okay. Do you know if -- were there  
3 other account executives also offering this  
4 service?

5 A. Yes.

6 Q. Do you remember any conversation with  
7 other account executives about why you had been  
8 told not to offer this any longer?

9 A. No.

10 MR. TURNER: I'm sorry, Henry, I  
11 couldn't hear her response.

12 MR. WALKER: Her response was no.

13 MR. TURNER: Okay.

14 BY MR. WALKER:

15 Q. Just for the record, the e-mail that  
16 you were previously shown, you did send that  
17 e-mail to that customer; is that correct?

18 A. Yes, I did.

19 Q. And do you recall doing that?

20 A. Yes, I recall.

21 Q. And is it your memory that that  
22 customer did not accept the offer?

23 A. Yes, they did not accept the offer.

24 Q. After you discontinued giving people  
25 the offer of two to three months service, were

1 you able to offer them other benefits under the  
2 BellSouth Select program in lieu of the two to  
3 three months free service?

4 A. No, the standard offering of the --  
5 similar to the Frequent Flier mile program  
6 continued to be available.

7 Q. Does the standard offering, would that  
8 include the possibility of being able to redeem  
9 your points for discounts off of your phone  
10 bill?

11 A. It was a credit that you would get back  
12 to your bill.

13 Q. Would that be your entire bill?

14 A. I'm really not sure what portion of the  
15 bill it referred to. The credit was received  
16 on the local -- I mean, both regulated and  
17 nonregulated products could accrue points.

18 Q. Right. For redemption points, could  
19 you redeem them on both reg and nonregulated  
20 services? In other words, could you redeem  
21 points off your entire bill?

22 A. Yes. I believe.

23 Q. Are you still offering this program  
24 today?

25 A. Yes.

1 Q. So today, if you went back to your  
2 office and a customer were saying, Robin, how  
3 can you redeem my points, what can I redeem my  
4 points for, what would your answer be?  
5 A. A credit to your bill.  
6 Q. To the entire bill?  
7 A. Yeah, if they were billing \$1,000 a  
8 month and they billed -- had a credit worth  
9 \$50, they would see a new total of \$950.  
10 Q. Okay. Robin, could I also redeem my  
11 points for cash?  
12 A. No, not that I'm aware of.  
13 Q. I can't get a check from BellSouth  
14 Select that I can use just like cash?  
15 A. I don't know.  
16 MR. TURNER: Henry, I'm sorry, I'm  
17 not hearing. Your questions are fading out and  
18 I can't hear her answers.  
19 MR. WALKER: My question was could  
20 I redeem my BellSouth Select points for cash or  
21 for a check from BellSouth Select that I could  
22 use like cash. And the witness' answer was "I  
23 don't know."  
24 BY MR. WALKER:  
25 Q. To whom -- if a customer were asking

1 you about that, Robin, to whom would you refer  
2 those questions, to get an answer?

3 A. Scott Davis.

4 Q. Is he knowledgeable about the BellSouth  
5 Select program?

6 A. Yes.

7 Q. Is he your supervisor here in  
8 Nashville?

9 A. During the program Dana Norman was my  
10 supervisor.

11 Q. But is Scott Davis your supervisor  
12 today?

13 A. He is part of our support staff.

14 Q. By "support staff" what do you mean?  
15 Someone to go to to ask questions of?

16 A. Yes. I have -- as a salesperson, I  
17 have a sales manager whom I directly report to.

18 Q. So would he be also called a sales  
19 manager?

20 A. No.

21 Q. Or would that be someone else you were  
22 referring to?

23 A. Yes.

24 Q. So how do you decide what kind of  
25 questions would go to Scott as opposed to your

1 sales manager?

2 A. That would really depend. My sales  
3 manager might have knowledge of some, you know,  
4 outlying circumstances or new questions on the  
5 basis of having eight to nine other salespeople  
6 that report to her. Some of it would depend on  
7 availability. If Scott were there I would  
8 probably go to Scott first.

9 Q. Okay. When you're a member of  
10 BellSouth Select, do you have certain  
11 advantages in getting repairs done on -- do  
12 your complaints about service go to a different  
13 person than if you're not a member of BellSouth  
14 Select?

15 A. There is a Select service manager who  
16 can handle repair calls.

17 Q. Okay. Is that one of the ways in which  
18 you sell the BellSouth Select program, is by  
19 telling people that their repairs would be  
20 handled more expeditiously?

21 A. We do tell them about the Select  
22 service manager. There are several ways  
23 that -- as an account executive part of my  
24 customer service role is to make sure that  
25 repair problems are handled expeditiously, and

1 there are also service managers that are just  
2 part of our repair staff not associated with  
3 the Select program that can also be used to  
4 expedite. So it is one of many ways that their  
5 repair could be.....

6 Q. Well, if I were a member of BellSouth  
7 Select would I get service, repair service  
8 that's more expedited than if you were not a  
9 BellSouth Select member, all other things being  
10 equal?

11 A. I would not say that. I typically,  
12 when I worked with my customers, involved a  
13 woman in our repair department and not the  
14 Select service manager.

15 Q. Why not?

16 A. Because I know the woman.

17 Q. So in other words, because you know her  
18 you would go to her rather than the Select  
19 service manager?

20 A. Yes.

21 Q. But isn't it true, Robin, as we  
22 discussed earlier, that having the Select  
23 service manager available is one of the ways  
24 which you sell the program to the customers, by  
25 telling them that they have this Select service



1 manager available to expedite repairs?

2 A. Yes.

3 Q. Do you have the discretion to award

4 bonus points under the Select program?

5 A. I do not have the discretion to award

6 bonus points.

7 Q. When you were doing the program

8 involving three months free service, did that

9 involve the award of bonus points?

10 A. Yes.

11 Q. I misunderstood. I thought you were

12 making those offers yourself.

13 Did you have to get those approved by

14 somebody to make those offers?

15 A. To actually award the points to an

16 account I got the approval from Scott Davis.

17 Q. Okay. Now, when you were making these

18 awards in Memphis, would it have been from

19 Scott or someone different?

20 A. Scott.

21 Q. Okay. So even when you were handling

22 Memphis, Scott decided who got bonus points and

23 who didn't, ultimately?

24 A. Yes.

25 Q. How would he -- do you have any idea

1 about what criteria he decided who would get  
2 bonus points and who wouldn't?

3 A. I know that they would have needed to  
4 sign the Key Customer discount and be a member  
5 of the Select program.

6 Q. Would they have to give a waiver of  
7 CPNI?

8 A. At the time they signed the Select  
9 program I know they had to give a temporary  
10 waiver for -- but I'm not clear if you mean a  
11 permanent or a temporary. I don't --

12 Q. You tell me. I'm trying to figure out  
13 what the criteria were for getting the bonus  
14 points and to get the bonus points to get the  
15 three months free service would I have to sign  
16 a temporary or a permanent CPNI waiver?

17 A. The customer did not have to sign a  
18 waiver, that I'm aware of.

19 Any time we look at a customer's  
20 records -- you know, we ask permission to look  
21 at their records and therefore there was a  
22 temporary CPNI for the Select program.

23 Q. Do you know whether or not a customer  
24 had to give a permanent waiver in order to join  
25 the BellSouth Select program?

1 A. I don't know.

2 Q. Would some customers gets more bonus  
3 points than others?

4 A. When you say "bonus points," it  
5 depended on the level of spending.

6 Q. Is that how bonus points were  
7 determined, based on the customer's level of  
8 spending?

9 A. Yes.

10 MR. TURNER: Henry, at this point,  
11 I'm sorry, but I'm going to have to reiterate  
12 my objection.

13 You're talking about bonus points  
14 in general across the entire Select board.

15 MR. WALKER: That's correct.

16 MR. TURNER: And I'm going to have  
17 to -- I mean you can ask whatever questions you  
18 want, but I'd like a standing objection to the  
19 extent that you're not specifying a particular  
20 version of the Select program.

21 MR. WALKER: Absolutely not. I'm  
22 talking about bonus points across the entire  
23 board.

24 MR. TURNER: Well, I obviously  
25 can't instruct her not to answer, but I am

1 going to strongly object, and in order not to  
2 have to object every time would you give me a  
3 standing objection to the form of that  
4 question?

5 MR. WALKER: I don't understand  
6 what your objection is.

7 MR. TURNER: I don't think you've  
8 established that the manner in which bonus  
9 points may or may not have been awarded in the  
10 very first iteration of the Select program is  
11 the same in which they may or may not have been  
12 awarded in every other iteration of the Select  
13 program.

14 MR. WALKER: Thank you. I will  
15 clarify that.

16 BY MR. WALKER:

17 Q. Robin, I've gone through a lot of the  
18 data that was mailed to customers as part of  
19 the Select program and I've seen in there  
20 references to bonus points. And the rules say  
21 that bonus points may be awarded in the  
22 discretion of BellSouth.

23 You have been in this program for three  
24 years. Just talk to me a little bit about how  
25 you used bonus points, and kind of the role

1 they played in this program. Just help me  
2 understand.

3 A. The bonus points for this program --

4 Q. We're talking about the whole BellSouth  
5 Select program generally, not any particular  
6 kind of offer?

7 MR. TURNER: By the way, Henry, is  
8 that you asking her what she was about to say  
9 or is that telling her the scope of your  
10 question?

11 MR. WALKER: That was for your  
12 benefit so you would understand the scope of my  
13 question.

14 MR. TURNER: Same objection.

15 MR. WALKER: And so that she would  
16 understand it.

17 MR. TURNER: Same objection.

18 MR. WALKER: I do not understand  
19 the basis for your objection. I just clarified  
20 what I was getting at, and the witness and I  
21 both understand each other.

22 MR. TURNER: No, Henry, I don't  
23 think so, and I'm going to say this once and  
24 I'll be quiet.

25 You have not established that the

1 amount of bonus points that may have been  
2 available under Version 1, let's say, is the  
3 same as under Version 5. You've not  
4 established that they were in fact available in  
5 all versions. You've not established that the  
6 criteria that was used to determine who did and  
7 did not get bonus points under any given  
8 version is the same as any other version.  
9 Until you do that I'm going to object to you  
10 clumping bonus points in with every single  
11 iteration of the Select program with this  
12 witness.

13 MR. WALKER: Well, I hear your  
14 objection and I'll proceed.

15 THE WITNESS: Could you clarify if  
16 bonus points -- are you referring to the points  
17 that I mentioned were like a Frequent Flier,  
18 and were, or are you --

19 MR. WALKER: Thank you for  
20 pointing that out. When I talk about bonus  
21 points, I'm talking about points in addition to  
22 what you would earn say by a dollar of  
23 spending. Because I understand that in the  
24 Select program you spend a dollar, you get a  
25 point.

1 BY MR. WALKER:

2 Q. When I refer to bonus points, I'm

3 talking about points that are awarded in

4 addition to that. And I'm asking you to just

5 explain, generally speaking, how the bonus

6 program worked.

7 A. Okay. For this program the bonus

8 points -- it was a three months free offering

9 and therefore the bonus points would be based

10 on the amount of a monthly spending.

11 Q. Okay. So the bonus points would be put

12 equal to the customer's monthly spending

13 multiplied by three?

14 A. Yes.

15 Q. Okay. Were bonus points awarded as

16 part of other BellSouth Select offerings, other

17 versions of the BellSouth selects offerings?

18 A. We could offer points which customers

19 typically would use toward equipment.

20 Q. Okay. And when you say we could offer,

21 that would be points that they didn't earn by

22 spending but was a bonus offered by the

23 company?

24 A. Yes.

25 Q. What kind of equipment would we be

1 talking about?

2 A. The upgrade on a PBX so that it could  
3 handle PRI.

4 Q. Could you give me another example in  
5 which bonus points might be used?

6 A. The equipment -- towards equipment is  
7 the only other example I can think of.

8 Q. You mentioned in connection with the  
9 three months free service, you said for coming  
10 back to BellSouth the customer would get these  
11 bonus points.

12 Suppose I were already a BellSouth  
13 customer but I signed up for the Key Customer  
14 discount program, so I'm not coming back to  
15 BellSouth. Would I still be eligible for the  
16 bonus points?

17 A. Yes.

18 Q. When you were calling customers and  
19 telling them about the three months free  
20 service offer, were you calling existing  
21 customers or were you calling Select customers  
22 or both?

23 A. I was targeting customers who were not  
24 with BellSouth.

25 Q. How would you find out about those



1 customers?

2 A. Well, I'm assigned a set of accounts,  
3 and during that time I contact every person  
4 that I'm assigned to regardless of whether  
5 they're currently with us, and let the customer  
6 know that I'm the person at BellSouth they  
7 would need to contact; and in doing that, I  
8 build up knowledge as to whether they're with  
9 us or not.

10 Q. You say you were targeting customers  
11 who were not with BellSouth.

12 If I were with BellSouth already, how  
13 would I find out about the BellSouth Select  
14 program?

15 MR. TURNER: Henry, it's the same  
16 objection, on that BellSouth Select program.

17 MR. WALKER: Let me rephrase it.

18 BY MR. WALKER:

19 Q. If I were with BellSouth already how  
20 would I find out about the three months free  
21 service offer?

22 A. Your account executive would propose  
23 that offering to you.

24 Q. Now, did you call up any of your  
25 existing BellSouth customers and tell them

1 about the three months free service offer, or  
2 do you only recall proposing that to  
3 non-BellSouth customers?

4 A. I did call some existing customers.

5 Q. Would these be people who were already  
6 on the Key Customer discount program or would  
7 these be potential customers for a Key Customer  
8 discount program?

9 A. It could be either.

10 Q. The targeting of non-BellSouth custom-  
11 ers, did that program have a name within  
12 BellSouth?

13 A. The Win-Back Trial.

14 Q. That was when you were in Memphis?

15 A. Yes.

16 Q. So you were offering this in Tennessee?

17 A. Yes.

18 Q. And does "win back" mean win them back  
19 to BellSouth?

20 A. Yes.

21 Q. What does the term "specialist" mean  
22 within BellSouth? I've noticed that term used  
23 a lot in the training manuals, but I don't know  
24 what it means. Can you help me?

25 MR. TURNER: Henry, I'm sorry.

1 Did you say "specialist" alone or was there a  
2 word that I missed?

3 MR. WALKER: No, just "specialist"  
4 alone.

5 THE WITNESS: I mean, I've never  
6 seen a formal or written definition of  
7 specialist. To me, it means someone who is a  
8 resource for other people on a product set or  
9 program.

10 BY MR. WALKER:

11 Q. Who would have been the specialist for  
12 the BellSouth Select program? Would that have  
13 been Scott that you mentioned earlier?

14 A. He would have been my specialist. I  
15 don't know that he would have been considered a  
16 specialist, a BellSouth specialist.

17 Q. Now, you described him, I believe  
18 earlier, I believe, as a competitive special-  
19 ist.

20 A. Yes.

21 Q. Is there anyone else within BellSouth  
22 whom you would have considered to be a go-to  
23 person on the BellSouth Select program, anyone  
24 other than Scott Davis?

25 A. He worked with someone named Scott

1 Johnson, I believe, and I suppose I could have  
2 contacted Scott Johnson directly.

3 Q. Would he have been Davis' boss or same  
4 level?

5 A. I don't know. It's not his competitive  
6 boss, no.

7 Q. Who would his competitive boss have  
8 been, do you know?

9 A. I don't know.

10 Q. Was Scott Johnson based here in  
11 Nashville?

12 A. No.

13 Q. Where was he?

14 A. Atlanta.

15 Q. Do you know what his title is?

16 A. No.

17 Q. What's a Win-Back specialist?

18 A. I've never heard the phrase used.

19 Q. So you don't know of anybody in the  
20 company who would be called a Win-Back  
21 specialist?

22 A. No.

23 Q. We're just about finished.

24 Could you just briefly describe as best  
25 you understand them the different levels of

1 participation in the Select program as it  
2 currently exists? And I'm talking about the  
3 Platinum, Silver, Gold.

4 A. I don't know if there is more than one  
5 level available right now.

6 My understanding is you need a, say,  
7 100- to 150-dollar minimum spending level and  
8 then you get a point for every dollar which is  
9 redeemable at approximately a 2-1/2 percent  
10 rate.

11 Q. By 2-1/2 percent rate, what do you mean  
12 by that? I'm a math-challenged person.

13 A. Meaning 2000 points would equate to a  
14 \$50 credit.

15 Q. Credit on your bill?

16 A. On your bill.

17 Q. And then in addition to that, you could  
18 get bonus points?

19 A. As it is today I don't know if bonus  
20 points are available.

21 Q. Do you know approximately how many Bell  
22 Select -- BellSouth Select members there are in  
23 Tennessee?

24 A. I have no idea.

25 Q. Today, Robin, approximately how many

1 accounts are you responsible for?

2 MR. TURNER: I'm sorry, Henry, I  
3 didn't hear her answer to the prior question  
4 about how many Select customers in Tennessee.

5 MR. WALKER: She said she did not  
6 know.

7 MR. TURNER: Okay.

8 THE WITNESS: Today I'm not  
9 responsible for any specific number of  
10 accounts. I handle new business development.

11 BY MR. WALKER:

12 Q. When was the last time you were  
13 responsible for accounts, handling accounts?

14 A. December 31st, 2001.

15 Q. And at that time how many accounts  
16 approximately did you have?

17 A. Two hundred to two hundred twenty.

18 Q. Approximately how many of those 200 or  
19 220 accounts would have been members of the  
20 BellSouth Select program?

21 A. The majority.

22 Q. So more than a hundred?

23 A. Yes.

24 Q. Would these be accounts all over  
25 Tennessee or just based in the Middle Tennessee

1 area?

2 A. My -- I handled the Germantown area of

3 Memphis. They could have had -- it could have

4 been a multi-location customer with locations

5 throughout the state.

6 Q. But it was primarily in the Memphis

7 area?

8 A. I just personally was assigned, yes, to

9 accounts in the Memphis area, yeah.

10 Q. So you were based in Nashville but up

11 until December 31st you were handling Memphis

12 accounts?

13 A. Uh-huh.

14 Q. Okay. So as far as you know there is

15 currently only one level of participation in

16 the BellSouth Select program today?

17 A. I'm only aware of one level.

18 Q. At the time you were handling those 200

19 to 220 accounts, were there different levels of

20 participation in the BellSouth Select program,

21 such as Platinum, Silver or Gold?

22 A. There have been different levels. At

23 the time -- I don't remember which ones were

24 available concurrently.

25 Q. Okay. Today does the program have a

1 name other than "BellSouth Select"? Is there a  
2 level today that I could identify?

3 A. I'm not sure.

4 Q. Okay.

5 MR. TURNER: Henry, just for the  
6 record, and this is not to suggest you can't  
7 ask the same questions, but I believe some of  
8 the requests that you have submitted to us that  
9 will be due tomorrow will have that kind of  
10 information in it.

11 MR. WALKER: Fantastic. I'm  
12 sorry. Robin wishes you had delivered it  
13 today.

14 Patrick, do you have any objection  
15 to Nanette asking a couple of questions? In  
16 the alternative, we could take about a two-  
17 minute break and Nanette and I could confer.  
18 It's up to you.

19 MR. TURNER: She's a party.

20 MR. WALKER: All right, thanks.  
21 We're just about finished. I'm finished with  
22 my questions.

23 **E X A M I N A T I O N**

24 BY MS. EDWARDS:

25 Q. Have you ever heard of the Full Circle



1 promotion or program?

2 A. Yes.

3 Q. Did you ever sell the Full Circle  
4 promotion or program?

5 A. No.

6 Q. Okay. How about the Win-Back  
7 promotion --

8 MR. TURNER: Guys, I'm sorry, I'm  
9 going to have to interrupt real quickly. Mr.  
10 Livingston has just walked in the room.

11 Don, they have asked me to  
12 sequester the witnesses so I'm going to ask you  
13 to go back up to my office and just wait. We  
14 should be ready for you within an hour and a  
15 half or so. But you can use my phone, do what  
16 you need to. But if you'll stick around there,  
17 when it's your turn we'll let you know and  
18 bring you back. Thank you.

19 Okay, Henry, he's out of the room  
20 now.

21 MR. WALKER: Thanks.

22 BY MS. EDWARDS:

23 Q. Have you ever heard of a promotion  
24 called the Win-Back promotion.

25 MR. TURNER: I'm sorry, Nanette,

1 I'm going to have to ask you to speak up. I  
2 can't hear you.

3 BY MS. EDWARDS:

4 Q. I'll repeat my question. I had asked  
5 her if she had ever heard of a promotion called  
6 the Win-Back promotion.

7 A. I don't think I've heard anything  
8 titled "Win-Back promotion."

9 Q. Earlier Mr. Walker had asked you a  
10 question about selling the Key Customer  
11 promotion, and if it's a situation where the  
12 customer is with someone other than BellSouth,  
13 how long, or in your experience how long -- or  
14 what did you tell the customer in terms of time  
15 frames would it be for them to come back to  
16 BellSouth and to then -- how long would it be  
17 before they saw, you know, the bonus or  
18 discount or the points?

19 A. I never actually sold or implemented  
20 this offering so I never got -- you know,  
21 reached the point in negotiations with a  
22 customer where we drew out a time line.

23 Q. In the accounts that you did have, the  
24 200 accounts, were some of those on the air  
25 carriers before? In other words, did you

1 ever -- at any time did you sell to a customer  
2 who was not a BellSouth customer?

3 A. Sell what?

4 Q. A product or service.

5 A. Like sell local service, it could be a  
6 situation where, you know, I sold DSLs let's  
7 say to a customer who had local service within  
8 the -- I could sell Internet access to a  
9 customer who had their local service with  
10 another carrier.

11 Q. But to your recollection right now, you  
12 don't recall selling local service to someone  
13 who was with a company other than BellSouth for  
14 local service?

15 A. Yes, I have sold local service to  
16 customers.

17 Q. Okay.

18 A. That were on BellSouth.

19 Q. And did the customer ever ask how long  
20 will it be before I have service with  
21 BellSouth?

22 MR. TURNER: I'm going to object,  
23 and note you're going beyond the scope of any  
24 of the offerings in this proceeding.

25 MR. WALKER: Objection noted.

1                   You can answer anyway.

2                   MR. TURNER: And, Henry, I just  
3 say I appreciate what you just said, but there  
4 is a point at which I will tell the witness not  
5 to answer because it's going so far beyond the  
6 field.

7                   THE WITNESS: It depends -- the  
8 time line would depend on the product. For  
9 example, a customer might order a business line  
10 from BellSouth to use in an elevator, or  
11 security line or as backup to their other  
12 provider, and in that case it takes a week to  
13 install the business line, and that would be  
14 the interval I would give them.

15 BY MS. EDWARDS:

16 Q.           So your response is it would depend on  
17 the situation?

18 A.           Yes.

19 Q.           Have you heard of the term C-A-M or  
20 "CAM"?

21 A.           Yes.

22 Q.           What does that term mean?

23 A.           That would be Scott's official title.  
24 I think it's probably competitive assessment  
25 manager. I don't know the --

1 Q. The specifics?

2 A. Yeah.

3 Q. And if you had a situation where a

4 customer wanted points for purchasing

5 equipment, as you described earlier with Henry,

6 would Scott be the person that you would go to

7 to award points to that customer?

8 A. Yes.

9 Q. And do you know --

10 MR. TURNER: Nanette, just for the

11 record would you ask her for Scott's last name?

12 She's mentioned two or three Scotts today.

13 BY MS. EDWARDS:

14 Q. Just for the record, when you referred

15 to Scott a moment ago did you mean Scott Davis?

16 A. Yes.

17 Q. And when you would go to Scott for the

18 award of points, did it vary -- did the amount

19 of points awarded vary by how much the customer

20 was buying?

21 MR. TURNER: I'm going to object

22 to vague. How much what?

23 BY MS. EDWARDS:

24 Q. How many dollars?

25 MR. TURNER: But of services,

1 equipment or what?

2 MS. EDWARDS: Well, I think in the  
3 context of the earlier question I was going to  
4 say let's start with equipment.

5 BY MS. EDWARDS:

6 Q. In the context of if the customer  
7 bought more equipment, would he get more  
8 points?

9 A. It did vary depending on -- it could  
10 vary based on what they were spending.

11 Q. And I know I raised this in the context  
12 of equipment, but that could be across any  
13 service; I mean, let's say I changed the  
14 question to they bought Fast Access DSL or they  
15 bought local, maybe they bought local services  
16 for many location -- more than one location as  
17 opposed to just one location, would they get  
18 more bonus points based on how much more they  
19 bought?

20 A. Yes. The bonus points could relate to  
21 the amount of money they were spending, and  
22 that could be for service at more than one  
23 location.

24 Q. Could it relate to anything else?

25 A. How much we had left in our budget.

1 MS. EDWARDS: Thank you very much.  
2 That's all I have.

3 EXAMINATION

4 BY MR. ALLEN:

5 Q. Just two questions that I had, the  
6 first being, Robin, do you know what is meant  
7 by the term "hot wire center"?

8 A. Yes.

9 Q. What does that mean?

10 A. It means an area in which BellSouth has  
11 lost significant lines to other carriers.

12 Q. And as I recall, when you were in  
13 Memphis and you were making the BellSouth  
14 Select offer, you made it to all your  
15 customers. Was Memphis a hot wire center?

16 A. Certain parts of Memphis were  
17 considered hot wire centers.

18 Q. Did you ever offer the BellSouth Select  
19 program to anybody that was not in a hot wire  
20 center?

21 A. Yes.

22 MR. TURNER: And Chris, again,  
23 it's just a suggestion, but if you're talking  
24 about the Select program that was combined with  
25 the Key Customer --

1 MR. ALLEN: No, I was talking,  
2 Patrick, generally, I'm sorry for not -- that's  
3 all I had.

4 MR. WALKER: I think that's it.  
5 Patrick, do you want to ask some  
6 questions?

7 MR. TURNER: I may, Henry. Can I  
8 take you up on that three-minute break now?  
9 That way, I can hit the mute button, flip  
10 through my notes and see if there is anything I  
11 need to ask, and maybe folks there can take a  
12 break if they need it.

13 MR. WALKER: Okay.

14 (Brief recess.)

15 **E X A M I N A T I O N**

16 BY MR. TURNER:

17 Q. Robin, Ms. Porter, this is Patrick  
18 Turner, I had just a few questions to follow up  
19 or maybe clarify on some of the things you were  
20 asked previously.

21 Just in general, do you recall the last  
22 time that you yourself offered to enroll any  
23 customer into any version of the Select  
24 program?

25 A. It was probably around September of



1 this year, September or October.

2 Q. Okay. To the best of your  
3 recollection, then, have you offered to enroll  
4 any customer into the BellSouth Select program  
5 since November of 2001?

6 A. No, I have not.

7 Q. Given that you haven't, have you had  
8 any reason to review any of the materials or to  
9 ask anyone how the Select program has been  
10 administered since November of 2001?

11 A. No, I have not.

12 Q. When you told Mr. Walker in response to  
13 the questions earlier that to the best of your  
14 knowledge there still is a redemption in the  
15 form of a credit to the BellSouth bill option  
16 available today, were you basing that on your  
17 understanding of the program that existed  
18 before November 2001 or after November 2001?

19 A. Before November.

20 Q. I'm sorry, say that again.

21 A. Before November.

22 Q. Thank you.

23 Ms. Porter, there have been, I believe,  
24 some references to actually selling the Select  
25 program.

1           For just the standard BellSouth Select  
2 program, are you aware of any payment that a  
3 customer has to make in order to participate in  
4 the program?

5 A.           No, there is no payment.

6 Q.           Okay. Ms. Porter, do you still have  
7 the e-mail that Mr. Walker referenced, in front  
8 of you?

9 A.           Yes, I do.

10 Q.           What's the date on that e-mail?

11 A.           September 5th, 2001.

12 Q.           I'm hoping you can clarify for us some  
13 confusion that I have.

14           In discussing with Mr. Walker some of  
15 the things that were involved in this program,  
16 I believe you told us that in April of 2001  
17 Mr. Davis told you to stop making any of this  
18 what has been characterized as three months  
19 free service offering. Do I remember that  
20 correctly?

21 A.           Yes.

22 Q.           Explain to us then -- let me ask you  
23 this: When you made the offer in November --  
24 September of 2001, was that appropriate in  
25 light of Mr. Davis' April comment to stop doing

1 that, and if so, can you explain why?

2 A. It was appropriate. We were able to  
3 offer -- the offer was available for us to  
4 extend briefly around September.

5 Q. Okay. In the April time, was Mr.  
6 Davis' direction associated with the general  
7 BellSouth decision to cease certain activities  
8 to former customers or new customers around  
9 that time frame?

10 A. Yes, it was.

11 Q. Had that general direction to cease  
12 that type of activity been resolved and those  
13 activities been allowed to reoccur as of the  
14 time you made the offer in September of 2001?

15 A. Yes, it had.

16 Q. Let's talk for a moment about the  
17 service -- the repair issues that were  
18 discussed.

19 I believe you said that there was a  
20 Select account manager for repair purposes?

21 A. Yes.

22 Q. Just to make sure I understand, are  
23 there other account managers or service  
24 managers that are available for use by  
25 customers who are not Select customers?

1 A. Yes.

2 Q. To the best of your knowledge, is the  
3 type of repair expedition that might be  
4 available through a Select service manager the  
5 same or different than the repair expedition  
6 process that would be available through a  
7 regular repair manager?

8 A. I don't know that it is any different.

9 Q. Ms. Porter, you were asked some  
10 questions about a hot wire center, do you  
11 recall that?

12 A. Yes.

13 Q. The Key Customer 2001 offering, are you  
14 aware generally of that offering?

15 A. Yes, I am.

16 Q. Is that offering available throughout  
17 the entire state or is it available only in  
18 certain areas?

19 A. It's only available in certain areas.

20 Q. And are those areas in which it is  
21 available specified in BellSouth's tariffs?

22 A. Yes, they are.

23 Q. Now, the Select program -- let's say it  
24 this way: I'm excluding from this question the  
25 offer that is characterized, has been

1 characterized as three months of free service,  
2 okay?

3 A. Okay.

4 Q. Aside from that, are you aware of any  
5 versions of the Select program being available  
6 only to customers in certain large centers?

7 A. No, I'm not aware of that.

8 MR. TURNER: That's all I have.

9 MR. WALKER: Okay. I think the  
10 witness is excused.

11 MR. TURNER: Thank you, Ms.  
12 Porter.

13 THE WITNESS: Thank you.

14 FURTHER DEPONENT SAITH NOT.

15

16 SWORN to before me when taken,  
17 January 14, 2002

18

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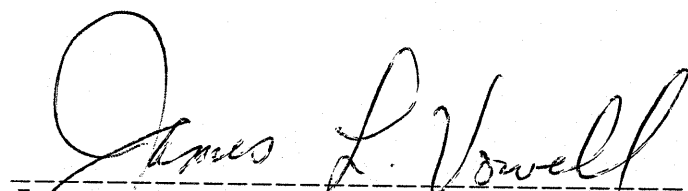
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James L. Vowell  
Notary Public  
State of Tennessee At Large  
My Commission Expires: 11/30/02